

**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW



Robert Greene Sterne
Jorge A. Goldstein
David K.S. Comwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Horner
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Michael V. Messinger
Judith U. Kim

Patrick E. Garrett
Jeffrey T. Helvey
Eldora L. Ellison
Thomas C. Fiala
Donald R. Banowitz
Peter A. Jackman
Jeffrey S. Weaver
Brian J. Del Buono
Edward W. Yee
Vincent L. Capuano
Virgil Lee Beaton
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Rae Lynn P. Guest
Daniel A. Klein
Jason D. Eisenberg

Michael D. Specht
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longworth
Lori A. Gordon
Laura A. Vogel
Bryan S. Wade
Bashir M.S. Ali
Shannon A. Carroll
Matthew E. Kelley
Anbar F. Khal
Michelle K. Holoubek
Marsha A. Rose

Young Tang
Christopher J. Walsh
W. Blake Coblenz*
James J. Pohl*
John T. Haran*
Mark W. Rygiel
Kevin W. McCabe

Registered Patent Agents*
Karen R. Markowicz
Matthew J. Dowd
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Victoria S. Rutherford
Simon J. Elliott
Julie A. Heider
Mita Mukherjee

Scott M. Woodhouse
Liliana Di Nola-Baron
Peter A. Socarras
Jeffrey K. Mills
Danielle L. Letting
Lori Brandes
Steven C. Oppenheimer

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

October 4, 2006

WRITER'S DIRECT NUMBER:
(202) 772-8856
INTERNET ADDRESS:
KMCCABE@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1634

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/797,164; Filed: March 9, 2004
For: **Methods of Identifying Optimal Drug Combinations and
Compositions Thereof**
Inventors: PFOST *et al.*
Our Ref: 2512.0030003/RWE/KWM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO/SB/08A one (1) page listing twenty-one (21) cited documents (US1-US17 and FP1-FP4);
3. Form PTO/SB/08B one (1) page listing one (1) cited document (NPL1); and
4. Return postcard.

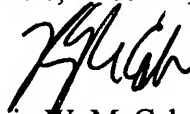
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
October 4, 2006
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Kevin W. McCabe
Attorney for Applicants
Registration No. 41,182

RWE/KWM/egw
Enclosures

591401v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PFOST *et al.*

Appl. No.: 10/797,164

Filed: March 9, 2004

For: **Methods of Identifying Optimal
Drug Combinations and
Compositions Thereof**

Confirmation No.: 4027

Art Unit: 1634

Examiner: Myers, C.J.

Atty. Docket: 2512.0030003/RWE/KWM

Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of the documents **FP1-FP4** and **US1-US17** cited on the attached Form PTO/SB/08A, and **NPL1** cited on the attached Form PTO/SB/08B were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 10/034,882, filed December 27, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is expected that the examiner will review the prosecution and cited art in the parent application number 10/034,882 in accordance with MPEP 2001.06(b), and

indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.


This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

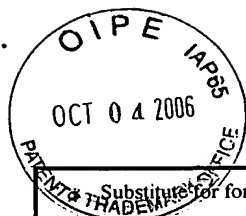


Kevin W. McCabe
Attorney for Applicants
Registration No. 41,182

Date: October 4, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

586480v1



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Equivalent of Form PTO/SB/08A (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|----------------------|
| Application Number | 10/797,164 |
| Filing Date | March 9, 2004 |
| First Named Inventor | Dale PFOST |
| Art Unit | 1634 |
| Examiner Name | Myers, C.J. |
| Attorney Docket Number | 2512.0030003/RWE/FRC |

Sheet 1 of 1

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | US1 | 4,623,619 | 11-18-1986 | Owerbach, <i>et al.</i> | |
| | US2 | 4,683,195 | 07-28-1987 | Mullis, <i>et al.</i> | |
| | US3 | 4,988,617 | 01-29-1991 | Landegren, <i>et al.</i> | |
| | US4 | 5,422,253 | 06-06-1995 | Dahlberg, <i>et al.</i> | |
| | US5 | 5,494,810 | 02-27-1996 | Barany, <i>et al.</i> | |
| | US6 | 5,547,835 | 08-20-1996 | Köster | |
| | US7 | 5,547,839 | 08-20-1996 | Dower, <i>et al.</i> | |
| | US8 | 5,648,077 | 07-15-1997 | Ostberg | |
| | US9 | 5,762,876 | 06-09-1998 | Lincoln, <i>et al.</i> | |
| | US10 | 5,795,976 | 08-18-1998 | Oefner, <i>et al.</i> | |
| | US11 | 5,846,546 | 12-08-1998 | Hurwitz, <i>et al.</i> | |
| | US12 | 5,860,917 | 01-19-1999 | Comanor, <i>et al.</i> | |
| | US13 | 5,888,819 | 03-30-1999 | Goelet, <i>et al.</i> | |
| | US14 | 6,248,308 B1 | 06-19-2001 | Rubin | |
| | US15 | 6,316,196 B1 | 11-13-2001 | Morten | |
| | US16 | 6,593,092 B2 | 06-15-2003 | Yu, <i>et al.</i> | |
| | US17 | 6,828,103 B2 | 12-07-2004 | Herrington, <i>et al.</i> | |
| | | | | | |
| | | | | | |
| | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | |
| | FP1 | WO 97/13875 | 04-17-1997 | Connaught Lab | |
| | FP2 | WO 97/21833 | 06-19-1997 | SmithKline Beecham, PLC | |
| | FP3 | WO 99/11822 | 03-11-1999 | Gene Logic, Inc. | |
| | FP4 | WO 99/24571 | 05-20-1999 | Curagen Corp. | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

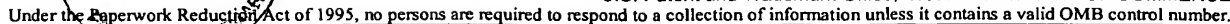
586455v1

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PLO

(Use as many sheets as necessary)

Complete if Known

| | |
|-------------------------------|----------------------|
| <i>Application Number</i> | 10/797,164 |
| <i>Filing Date</i> | March 9, 2004 |
| <i>First Named Inventor</i> | Dale PFOST |
| <i>Art Unit</i> | 1634 |
| <i>Examiner Name</i> | Myers, C.J. |
| <i>Attorney Docket Number</i> | 2512.0030003/RWE/FRC |

| | | | |
|-------|---|----|---|
| Sheet | 1 | of | 1 |
|-------|---|----|---|

NON PATENT LITERATURE DOCUMENTS

586459v1

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.